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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/549,647	09/20/2005	Teunis Adrianus Kassenaar	NL 030274	8068

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS
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EXAMINER	
MISLEH, JUSTIN P	
ART UNIT	PAPER NUMBER
2622	
MAIL DATE	DELIVERY MODE
06/03/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/549,647	KASSENAAR, TEUNIS ADRIANUS	
	Examiner	Art Unit	
	JUSTIN P. MISLEH	2622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *20 September 2005*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1 - 14* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1 - 14* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *20 September 2005* is/are: a)☐ accepted or b)☒ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities: missing disclosure.

The present application is the National Stage entry of PCT/IB04/50285. The only disclosure filed for the present application is a copy of the publication of the International Application (W0 2004/086113 A1). The Examiner requests a formal disclosure, including a specification, drawings, an abstract, and claims, be filed in accordance with MPEP §600.

However, the Examiner notes a preliminary amendment was filed September 20, 2005 and appears to amend the claims presented in the International Application to conform to current U.S. practice. Accordingly, these claims will be examined.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. **Claims 1 – 14** are rejected under 35 U.S.C. 102(e) as being anticipated by Ning (US 2004/0095499 A1).

4. For **Claim 1**, Ning discloses, as shown in figures 1a – 2, imaging module (10), comprising:

an image sensor chip (24);

a lens (34), wherein the lens (34) and the image sensor chip (24) are movable with respect to each other (see figures 1a and 2);

first retaining means (86 – see figure 1a) for retaining the lens (34) with respect to the image sensor chip (24) at a first distance (see figure 1a); and

second retaining means (edge 18 – see figure 1c) for retaining the lens (34) with respect to the image sensor chip (24) at a second distance (see figure 2).

5. As for **Claim 2**, Ning discloses, as shown in figures 1a – 2, wherein the retaining means (18/86) are designed such as to be brought in a deactivated state (see figures 1a and 2) by a movement of the lens (34) and the image sensor chip (24) in an inward direction with respect to each other (figure 1a shows 86 is activated and 18 is deactivated), and in an activated state by a movement of the lens (34) and the image sensor chip (10) in an outward direction with respect to each other (figure 2 shows 86 is deactivated and 18 is activated) .

6. As for **Claim 3**, Ning discloses, as shown in figures 1a – 2, positioning means (60) for automatically activating the second retaining means (edge 18) when the first retaining means (86) are deactivated, and vice versa (clearly shown in figure 1a).

7. As for **Claim 4**, Ning discloses, as shown in figures 1a – 2, wherein the image sensor chip (24) is located at an under portion (16) of the imaging module (10), wherein the lens (34) is held by an upper portion (54 – see figure 1e) of the imaging module (10), wherein the under portion (16) and the upper portion (54) are movable with respect to each other (see figures 1a and 2), wherein the under portion (16) is provided with first engaging means (86 – see figure 1a and edge 18 – see figure 1c), and wherein the upper portion (54) is provided with second

engaging means (84a – see figure 1a and 58 – see figure 1e) for engaging the first engaging means (86/18).

8. As for **Claim 5**, Ning discloses, as shown in figures 1a – 2, wherein the upper portion (54) is provided with upper protrusions (84a – see figure 1a and 58 – see figure 1e), and wherein the under portion (16) comprises a recess (18 – see figure 1c and 86 – see figure 1a) for receiving the upper protrusions (84a/58).

9. As for **Claim 6**, Ning discloses, as shown in figures 1a – 2, wherein the upper protrusions (84a) have a triangular shape (protrusions 84a appear to be triangular at their base).

10. As for **Claim 7**, Ning discloses, as shown in figures 1a – 2, wherein the recess (18/86) in the under portion (16) comprises long slots (edge 18 in figure 1c is a long slot) and short slots (86 is figure 1a is a short slot).

11. As for **Claim 8**, Ning discloses, as shown in figures 1a – 2, wherein upper sides of the slots (18 and 86) are inclined (figure 1a clearly shows that edge 18 is vertically inclined and 86 is angularly inclined.).

12. As for **Claim 9**, Ning discloses, as shown in figures 1a – 2, wherein the under portion (16) comprises lower protrusions (18) which are positioned such as to contact the upper protrusions (58) of the upper portion (54) of the imaging module (10).

13. As for **Claim 10**, Ning discloses, as shown in figures 1a – 2, wherein the lower protrusions (edge 18) have a triangular shape (base of edges 18 appear to be triangular at their base).

14. As for **Claim 11**, Ning discloses, as shown in figures 1a – 2, wherein the upper portion (54) comprises a rotatable rotor (54) supporting the upper protrusions (84a and 58; protrusions

84a and 58 can be circumferentially continuous around the upper portion, which allows for rotation of the upper portion; see paragraph 39).

15. As for **Claim 12**, Ning discloses, as shown in figures 1a – 2, wherein the first distance (see figure 1a) corresponds to a focal distance of the lens (34), and wherein the second distance (see figure 2) is smaller than the first distance (clearly shown in figures 1a and 2).

16. As for **Claim 13**, Ning discloses, as shown in figures 1a – 2, further comprising pressing means (60) for pressing the lens (34) and the image sensor chip (24) in an outward direction with respect to each other, the pressing means (60) preferably comprising a helical spring (see figure 1a).

17. As for **Claim 14**, Ning discloses, as shown in figures 13 – 15, cellular phone, comprising an imaging module according to Claim 1.

Conclusion

18. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Justin P Misleh whose telephone number is 571.272.7313. The Examiner can normally be reached on Monday through Friday from 8:00 AM to 5:00 PM.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Lin Ye can be reached on 571.272.7372. The fax phone number for the organization where this application or proceeding is assigned is 571.273.8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Justin P. Misleh/
Examiner, Art Unit 2622
June 3, 2008